

# MAINE STATE LEGISLATURE

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THE  
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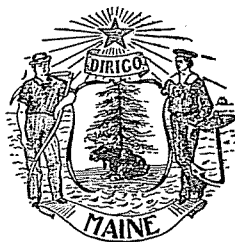
OF THE

STATE OF MAINE,

PASSED SEPTEMBER 1, 1903, AND TAKING EFFECT JANUARY 1, 1904.

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BY THE AUTHORITY OF THE LEGISLATURE.



AUGUSTA :  
KENNEBEC JOURNAL PRINT,  
1904.

## CHAPTER 11.

## REGISTER OF DEEDS.

Chosen every  
four years.  
R. S. c. 7, § 1.  
50 Me., 245.  
64 Me., 599.

Election, how  
and when  
held.  
R. S., c. 7, § 2.  
25 Me., 568.  
64 Me., 599.

—governor and  
council to  
examine lists  
of votes, by  
December  
first.  
See c. 6, §§ 134-  
136.

—may correct  
errors.

—shall issue  
certificates of  
election.

—tenure of  
office.

Bond.  
R. S., c. 7, § 3.  
See Const. of  
Me., Art. ix, § 1.

Vacancies,  
how filled.  
R. S., c. 7, § 4.  
64 Me., 599, 600.

May appoint  
clerk.

—clerk's oath  
and duties.  
R. S., c. 7, § 5.

Western dis-  
trict in coun-  
ty of Oxford.  
R. S., c. 7, § 6.

Northern dis-  
trict in coun-  
ty of Aroos-  
took.  
R. S., c. 7, § 7.  
1885, c. 349.

SEC. 1. In each county and in each registry district a register of deeds shall be chosen by ballot, by persons qualified to vote for representatives at town meetings, on the second Monday of September eighteen hundred and eighty-two and every four years thereafter.

SEC. 2. The meetings for such election shall be notified, held and regulated, and the votes received, sorted, counted, declared and recorded in the same manner as votes for representatives, and fair copies of the lists of votes shall be attested by the municipal officers and clerks of towns, and sealed up in open town meeting; and town clerks shall cause them to be delivered into the office of the secretary of state within thirty days next succeeding such meeting. The governor and council shall, by the first day of December following, open and examine the same, and the list of votes of citizens in the military service returned to said office. They have the same power to correct errors as is conferred by section fifty-nine of chapter six; and they shall, forthwith, issue certificates of election to such persons as have a plurality of all the votes for each county or registry district; and the person thus elected, and giving the bond required in the following section, approved by the county commissioners, shall hold his office for four years from the first day of the next January and until another is chosen and qualified.

SEC. 3. He shall give bond, with sufficient sureties, to the county, in the sum of two thousand dollars for the faithful discharge of his duties.

SEC. 4. Vacancies shall be filled by election in manner aforesaid, at the next September election after their occurrence; and in the mean time the governor, with the advice and consent of the council, may fill vacancies by appointment, and the person so appointed shall hold his office until the first day of January, next after the election last mentioned.

SEC. 5. Each register may appoint a clerk for whose doings and misdoings he shall be responsible, who shall be sworn. In case of sickness, absence, or any temporary disability of the register, such clerk shall make and sign for him all certificates, and make all entries and minutes required to be signed or made by the register, and such certificates, entries and minutes, shall be as valid as if made by the register.

SEC. 6. The towns of Hiram, Porter, Brownfield, Denmark, Fryeburg, Sweden, Lovell, Stoneham and Stowe, in the county of Oxford, compose the western registry district of Oxford county, and the register shall keep his office at Fryeburg.

SEC. 7. All that part of the county of Aroostook lying north of a line commencing at the southeast corner of township F, in the first range, west from the east line of the state, thence west on the south line of said township and the south line of township K in the second range, to township numbered fifteen in the third range, thence north to the northeast corner of township number fifteen in the third range, thence west to the northwest corner of township numbered fifteen in the third range, thence south to the southwest corner of township numbered fifteen in the third range, thence west to the northwest corner of township numbered fourteen in the fourth range, thence south to the southwest corner of township numbered fourteen in the fourth range, thence west on the dividing line of townships

thirteen and fourteen to the seventh range line, thence north to the northeast corner of township number thirteen in the eighth range, thence west to the west line of the state, compose the northern registry district of Aroostook county and the register shall keep his office in the town of Madawaska.

SEC. 8. In case of vacancy in the office of register and of his clerk in any county or registry district, the clerk of the judicial courts of the same county, being first sworn, shall perform all duties and services required of a register of deeds, during such vacancy; complete all unfinished business; receive the same compensation and be subject to the same liabilities as a register of deeds; and his certificate shall have the same effect as if made by the register.

In case of vacancy, clerk of courts to be register.  
R. S., c. 7, § 8.  
See Constitution, Art. ix. § 2.

SEC. 9. In any county where there are two or more registry districts, such clerk may appoint some suitable person under him to take charge and perform the duties of said office, during such vacancy, in the district or districts in which the registry is not kept in the shire town.

Clerk may appoint an assistant.  
R. S., c. 7, § 9.

SEC. 10. The person so appointed shall be sworn, and said clerk shall be responsible in all cases for his doings.

To be sworn.  
R. S., c. 7, § 10.

SEC. 11. When on presentment of the grand jury or information of the attorney general to the supreme judicial or superior court, any register of deeds, by default, confession, demurrer or verdict, after due notice, is found guilty of misconduct in his office, or incapable of discharging its duties, the court shall enter judgment for his removal from office, and issue a writ to the sheriff to take possession of all the books and papers belonging thereto, and deliver them to the clerk of said court, that he may perform the duties of register as prescribed in sections eight and nine.

Register may be removed for misconduct or incapacity.  
R. S., c. 7, § 11.  
60 Me., 66.

—when removed, clerk of courts to be register.

SEC. 12. Such clerk or his substitute, or the newly appointed or elected register, or any successor within five years after the original vacancy occurred, shall complete, compare and certify any unfinished record or certificate required by law; and make all requisite certificates upon deeds and other papers recorded, which his removed predecessor should have done if such records and certificates had been completed by him, which certificates shall be as effectual in law as if made by his predecessor; for doing this, the minutes made by his predecessor upon such deeds or other papers, and the entries made by him in the books required to be kept for such purposes, shall be sufficient authority. If payment for such services has been made to his predecessor, he shall be paid for them out of the county treasury; and the former register and his sureties shall refund such payments to the county treasury, to be recovered by suit upon his official bond.

Register's successors may complete records.  
R. S., c. 7, § 12.

—and grant certificates.

SEC. 13. No such certificate shall be made, except upon comparison of the original instrument with the record thereof, by the register making the certificate, and such certificate shall state the date when it was made, the fact of comparison, and the date when the original instrument was left for record; but shall be only prima facie evidence of the last fact.

Certificates, conditions and requisites of.  
R. S., c. 7, § 13.

SEC. 14. No city, county or state officer whose duty it is to record conveyances of any kind, assignments, certificates or other documents or papers whatsoever, shall draft or aid in drafting any conveyance, assignment, certificate or other document or paper which he is by law required to record, in full or in part; under a penalty of not exceeding one hundred dollars, to be recovered by any complainant by action of debt for his benefit or by indictment for the benefit of the county.

Recording officer shall not draft or aid in drafting any document he is required to record.  
1893, c. 245.  
See c. 65, § 27;  
c. 81, § 15.

## CHAP. 11.

Records shall be made on linen paper.

—registers to make index.  
R. S., c. 7, § 14.  
1887, c. 12.

—and revise same.

—counties of York and Lincoln, exempt, as to certain volumes.

Books for records of plans, furnished at expense of county.  
1903, c. 65.  
See c. 117, § 18.

Deeds considered recorded when minute of time of reception is made.  
R. S., c. 7, § 15.  
R. S., c. 73, § 28.  
1903, c. 2.

Seizures and attachments, wills, certificates, etc., record of.  
R. S., c. 7, § 16.  
1893, c. 301, § 4.  
See c. 35, § 41.  
c. 65, § 21;  
c. 79, § 13, 30;  
c. 83, § 20;  
c. 93, § 29;  
c. 114, §§ 7, 10, 30, 62;  
c. 117, § 18.

Office in shire town.  
R. S., c. 7, § 17.

SEC. 15. The records in each registry office shall be made on paper of a firm texture, well sized and finished, the principal ingredient of which is linen. The registers shall make an alphabetical index to the records, without charge to the county, in the form known as ledger index, so that the same surnames shall be recorded together in each column of index, and shall forthwith change all volumes of index not heretofore revised to said form, and shall revise said index as often as once in ten years, for which they shall receive a reasonable compensation, to be approved by the county commissioners of the respective counties and drawn from the county treasury, *provided, however*, that the county commissioners of the county of York are not obliged to change such indexes for any volume of records completed before January one, seventeen hundred and sixty, and the county commissioners of the county of Lincoln before January one, eighteen hundred and sixty.

SEC. 16. The county commissioners at the expense of the several counties shall provide suitable books of the best quality of tracing cloth, interleaved with white paper and substantially bound, for the recording of such plans as may be presented for record; and shall provide other books of substantial binding with stubs for the insertion and preservation of such plans as it may not be expedient to copy into the books first mentioned; and shall cause a suitable index of all plans on record, to be made.

SEC. 17. Every register shall, at the time of receiving any deed or instrument for record, certify thereon the day and the time of day when it was received and filed; every such paper shall be considered as recorded at the time when it was received and such time shall be entered on the record thereof. Within one hour after its delivery to him, the register shall enter such time, the names of the grantor and grantee, and their places of residence, the nature of the instrument, the amount of the consideration named therein and the name of the town or unincorporated place as shown by the instrument, in which the property conveyed is located, in a book kept for that purpose, and open to inspection in business hours; and he shall suffer no deed or instrument for the conveyance of real estate to be altered, amended or withdrawn, until it is fully recorded and examined. (a)

SEC. 18. Registers shall receive and record all certificates in equity, copies of judgments and decrees certified by the clerk of courts in the county where the bill is pending, or the judgment or decree is rendered. They shall receive all copies of seizures on execution, and special attachment made and attested by any officer, of real property situate in their respective counties or districts and copies of portions of wills, devising real estate so situate; and certify on them the time when they are received; also certificates of advertised stallions and copies of processes against domestic corporations filed for service by officers in the registry, keep them on file for the inspection of parties interested, and enter them in suitable books, properly indexed.

SEC. 19. The register of deeds in each county in which there is but one register, shall keep his office in the shire town.

(a) 12 Me., 501; 17 Me., 395; 33 Me., 375; 35 Me., 557; 42 Me., 341; 81 Me., 302; 97 Me., 223, 224, 227.